IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION

Dated : Nainital the 15th day of February, 2006
Criminal Misc. Bail Application No.57 of 2006
Order on the bail application of accused

CRIMINAL SIDE

Ganga Devi
W/o Sri Her Singh
R/o village Mejhera
Patti Quithar
Tehsil & District Pithoragarh …… Applicant

Versus

State of Uttaranchal ……..Opposite Party

Arising out of case crime No.1/2005
U/s 304-B/498-A I.P.C.
Patti Area Quithar
Tehsil & District Pithoragarh

Hon'ble J.C.S. Rawat, J.

Heard Sri B. S. Adhikari learned counsel for the applicant and learned A.G.A. for the State.

Perused the record. It was contended on behalf of the applicant that before attracting the presumption the prosecution has to prove that immediately before death there was a demand of dowry and the deceased was subjected to cruelty. It was contended that the statements of Basanti Devi and Radha Devi recorded under section 161 Cr.P.C. do not reveal that the demand of dowry was made and the cruelty was committed upon the person of the deceased in connection with the dowry demand. The applicant-accused is the mother-in-law of the deceased. Co-accused Her Singh, who is the father-in-law of the deceased, has already been released on bail by this Court on the ground that he is aged about 60 years. Considering the facts and circumstances of the case, it is a fit case for bail.

Let the applicant-accused be released on bail on executing a personal bond and two sureties each in the like amount to the satisfaction of the C.J.M. concerned.

(J.C.S. Rawat, J.)

Dated 15.02.2006

LSR